

By

Harrington

S.B. No. 178

A BILL TO BE ENTITLED

AN ACT

relating to the regulation and inspection of boilers; amending Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes) by amending Sections 1, 2, 3, 3a, 4, 4a, 5, 6, 8, 9, 10, 12, 13, 14, and 17, and by adding Sections 2a and 12a; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Sections 1 and 2, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. ~~As [The following terms as]~~ used in this Act ~~[shall be construed as follows]:~~

"(1) 'Commissioner' ~~means [as used herein shall mean]~~ the Commissioner of the ~~Department [Bureau]~~ of Labor and Standards ~~[Statistics]~~ of the State of Texas;

"(2) 'Inspector' ~~means [as used herein shall mean]~~ the inspector of ~~[steam]~~ boilers appointed under the provisions of this Act;

"(3) 'Deputy' ~~means [as used herein shall mean]~~ any deputy inspector of boilers appointed under the provisions of this Act;

"(4) 'Boiler' ~~means [as used herein shall mean]~~ any vessel or system of vessels in which water is heated or steam is generated to be used ~~[for generating steam]~~ for power or heating purposes;

1 "(5) '[~~low-Pressure~~] Heating Boiler' means [~~as-used-herein~~
2 ~~shall-mean~~] a boiler operated at pressures not exceeding 15 lbs.
3 per sq. in. [~~gauge~~] steam or at a pressure [~~pressures~~] not
4 exceeding 160 lbs. per sq. in. [~~gauge~~] and temperatures not
5 exceeding 250° F. for water;

6 "(6) 'Owner or User' means [~~as-used-herein-shall-mean~~] any
7 person, firm or corporation owning or operating, or in charge of
8 or in control of any boiler as herein defined;

9 "(7) 'Safety device' means [~~as-used-herein-shall-mean~~] any
10 appurtenance attached to any boiler for the purpose of diminishing
11 the danger of accidents;

12 "(8) 'Code of Rules' means [~~as-used-herein-shall-mean~~] the
13 standard code of rules promulgated and adopted by the Commissioner
14 under the provisions of this Act;

15 "(9) 'Board' means the Board of Boiler Rules;

16 "(10) 'Special Inspection' means any inspection performed
17 by the Inspector of Boilers or a Deputy Inspector employed by the
18 state, other than the regular annual inspection as provided by
19 Section 4 of this Act or external inspection as provided by Section
20 4a of this Act.

21 "(11) Unless otherwise specified, [~~where~~] the term 'boiler'
22 ~~includes [is-used-herein-it-shall-include]~~ '[~~low-Pressure~~] Heating
23 Boilers.'

24 "Section 2. No boiler or [~~low-pressure~~] heating boiler,
25 unless otherwise specifically exempted in this Act, shall be
26 operated within the State of Texas unless such boiler has been
27 registered with the Department [~~Bureau~~] of Labor and Standards

1 [~~Statistics~~] and there shall have been issued a Certificate of
2 Operation for such boiler, as hereinafter provided for, and such
3 Certificate of Operation shall remain in full force and effect
4 until expiration unless cancelled for cause by the Commissioner;
5 such Certificate of Operation shall be placed under glass in a
6 conspicuous place on or near the boiler for which it is issued;
7 and no prosecution shall be maintained where the issuance of or
8 the renewal for such Certificate of Operation shall have been
9 requested and shall remain unacted upon; provided, however, if
10 the operation of such boiler without such Certificate of Operation
11 shall constitute a serious menace to the life and safety of any
12 person or persons in or about the premises, the Commissioner or
13 the inspector of boilers or any deputy inspector as hereinafter
14 provided for, shall apply to the District Court in a suit brought
15 by either the Attorney General of the State, or any District or
16 County Attorney, in the county in which such boiler is located,
17 for an injunction restraining the operation of said boiler until
18 the unsafe condition restraining its use shall be corrected and
19 a Certificate of Operation issued. In all such cases it shall
20 not be necessary for the attorney bringing the suit to verify the
21 pleadings or for the State to execute a bond as a condition
22 precedent to the issuing of any injunction or restraining order
23 hereunder. The affidavit of the Commissioner that no application
24 for or no Certificate of Operation exists for such boiler, and
25 the affidavit of any inspector or deputy inspector that its
26 operation constitutes a menace to the life and safety of any
27 person or persons in or about the premises, shall be sufficient

1 proof to warrant the immediate granting of a temporary restraining
2 order."

3 Sec. 2. Chapter 436, Acts of the 45th Legislature, Regular
4 Session, 1937, as amended (Article 5221c, Vernon's Texas Civil
5 Statutes), is amended by adding Section 2A to read as follows:

6 "Section 2A. (a) The Board of Boiler Rules is created
7 within the Department of Labor and Standards. The board consists
8 of nine members appointed by the Commissioner. Except for the
9 initial appointees, members are appointed for a term of six years
10 expiring on January 31 of odd-numbered years. Within a reasonable
11 time after the effective date of this section, the Commissioner
12 shall appoint three members for terms expiring January 31, 1981,
13 three members for terms expiring January 31, 1979, and three
14 members for terms which expire January 31, 1977.

15 "(b) Board members must have experience with boilers. The
16 Commissioner shall make appointments so that:

17 "(1) at least three members are representatives of an owner
18 or user of boilers:

19 "(2) at least one member is a representative of a boiler
20 manufacturer:

21 "(3) at least one member is a representative of a boiler
22 installer:

23 "(4) at least two members are representatives of companies
24 insuring boilers in this state:

25 "(5) at least one member is a mechanical engineer on the
26 faculty of an institution of higher learning in this state: and

27 "(6) at least one member is a representative of a labor

1 union.

2 "(c) Four of the members with the qualifications set forth
3 in subsection (b) of this section must also be registered
4 professional engineers licensed in this State.

5 "(d) If a vacancy occurs on the board, the Commissioner
6 shall, subject to the requirements provided by Subsection (b) of
7 this section, appoint a person to complete the unexpired portion
8 of the term.

9 "(e) The Commissioner or his designee is the chairman ex
10 officio of the board. The board shall meet at least twice annually
11 at the call of, and at the time and place designated by, the
12 chairman. No decision, recommendation, or other act of the board
13 is effective or official, unless supported by the vote of at least
14 seven members.

15 "(f) The board shall act in an advisory capacity to the
16 Commissioner in the formulation of rules and regulations for the
17 construction, installation, inspection, operating limits,
18 alteration, and repair of boilers and appurtenances to boilers.

19 "(g) Board members serve without salary, but are entitled
20 to reimbursement for actual expenses incurred in the performance
21 of their duties as board members."

22 Sec. 3. Sections 3, 3a, 4, 4a, 5, 6, 8, 9, 10, and 12,
23 Chapter 436, Acts of the 45th Legislature, Regular Session, 1937,
24 as amended (Article 5221c, Vernon's Texas Civil Statutes), are
25 amended to read as follows:

26 "Section 3. The following boilers and ~~low-pressure~~ heating
27 boilers are exempt from the provisions of this Act.

1 "1. Boilers under Federal control and stationary boilers
2 at roundhouses, pumping stations and depots of railway companies
3 under the supervision or inspection of the Superintendent of
4 Motive Power of such railway companies.

5 ~~[2. Automobile boilers and boilers on road vehicles.]~~

6 "Section 3a. The following ~~[boilers and low pressure~~
7 ~~heating]~~ boilers shall be exempt from the requirements of Sections
8 4, 5, 11 and 12 of this Act:

9 "1. Boilers ~~[low pressure heating boilers]~~ for heating in
10 buildings occupied solely for residence purposes with
11 accommodations not to exceed four (4) families[+]

12 ~~[2. Boilers and low pressure heating boilers located on~~
13 ~~farms and used exclusively for agricultural purposes.]~~

14 ~~3. Boilers and low pressure heating boilers used for cotton~~
15 ~~ginning].~~

16 "Section 4. The Commissioner shall cause to be inspected
17 internally and externally not less frequently than once each
18 twelve (12) months each stationary ~~[steam]~~ boiler subject to the
19 provisions of this Act. Each portable ~~[steam]~~ boiler subject to
20 the provisions of this Act shall be inspected externally each
21 time it is moved to a new location, provided that an internal
22 inspection shall be made of each such boiler at least once each
23 twelve (12) months. If such boilers referred to herein are found,
24 upon inspection, to be in a safe condition for operation, a
25 Certificate of Operation shall be issued by the Commissioner for
26 its operation for a period not longer than one year from the date
27 of such inspection. If any inspection authorized hereunder shall

1 show the inspected boiler to be in an unsafe or dangerous
2 condition, the boiler inspector or any deputy may issue a
3 preliminary order requiring such repairs and alterations to be
4 made to such boiler as may be necessary to render it safe for
5 use, and may also order the use of such boiler discontinued until
6 such repairs and alterations are made or such dangerous and unsafe
7 conditions are remedied. Unless such preliminary order be complied
8 with by the owner or user, a hearing before the Commissioner shall
9 be allowed, upon written request, at which the owner or user,
10 making the request, shall have opportunity to appear and show
11 cause why he should not comply with said preliminary order. If
12 it shall thereafter appear to the Commissioner that such boiler
13 is unsafe and that the requirements contained in said preliminary
14 order should be complied with, or that other things should be
15 done to make said boiler safe, the Commissioner may order or
16 confirm the withholding of the Certificate of Operation for said
17 boiler and may make such requirements as he deems proper for the
18 repair or alteration of said boiler or the correction of such
19 dangerous and unsafe conditions. The inspector in his discretion
20 may issue a temporary Certificate of Operation for not to exceed
21 thirty (30) days, pending the making of replacements or repairs.
22 Nothing in this Section shall be construed to limit the authority
23 of the Commissioner as set forth in Section 6 of this Act.

24 'Certificate of Operation' used in this Section shall mean the
25 'Certificate of Operation' referred to in Section 2 of this Act.

26 "Section 4a. Upon the approval of the Commissioner and the
27 inspection agency having jurisdiction, the interval between

1 internal inspections may be extended ~~to~~ [for] a period not to
2 exceed twenty-four (24) months on fired [stationary] boilers and
3 ~~forty-eight (48)~~ [thirty-six (36)] months on unfired boilers
4 provided: (1) continuous water treatment under competent and
5 experienced supervision has been in effect since the last internal
6 inspection for the purpose of controlling and limiting corrosion
7 and deposits; (2) accurate and complete records are available
8 showing that since the last internal inspection samples of boiler
9 water have been taken at regular intervals not greater than
10 twenty-four (24) hours of operation and that the water condition
11 in the boiler is satisfactorily controlled; (3) accurate and
12 complete records are available showing the dates such boiler has
13 been out of service and the reasons therefor since the last
14 internal inspection, and such records shall include the nature
15 of all repairs to the boiler, the reasons why such repairs were
16 ~~[necessary and by whom the repairs were]~~ made; and (4) the last
17 internal and current external inspection of the boiler indicates
18 the inspection period may be safely extended. When such an
19 extended period between internal inspections has been approved
20 by the Commissioner and the inspection agency having jurisdiction,
21 as outlined in this Section, a new Certificate of Operation shall
22 be issued for that extended period of operation.

23 "Section 5. Every insurance company authorized to insure
24 and inspect [insuring] boilers in this State shall, within thirty
25 (30) days after inspecting any [steam] boiler, file a [duplicate]
26 report of such inspection with the Commissioner showing the date
27 of such inspection together with the name of the inspector [person]

1 making such inspection, and such report shall show fully the
2 condition and location of such boiler at the time such inspection
3 was made. Such report shall also state when the policy of
4 insurance was issued by the insurance company on said boiler and
5 the date of expiration of such policy of insurance.

6 "The owner or user of every boiler inspected by an inspector
7 regularly employed by ~~for~~ an insurance company authorized to
8 do business in this State on which such insurance company has
9 issued a policy of insurance after inspection thereof, shall be
10 exempt from other inspections and inspection fees under the
11 provisions of this Act; provided nothing in this Section shall
12 prevent the Commissioner from authorizing the inspection of any
13 insured boiler at any reasonable time when, in the opinion of the
14 Commissioner, such insured boiler may be in an unsafe condition,
15 provided the Commissioner shall contact the insurance company
16 carrying insurance on said boiler and that the inspector for the
17 insurance company carrying such insurance and the inspector or
18 deputy inspector shall jointly and together inspect the boiler,
19 within twenty (20) days, for which inspection no additional charge
20 shall be made as set forth in Section 12 of this Act. The
21 Commissioner is authorized and has authority to issue a Certificate
22 of Operation to the owner or user of all boilers subject to
23 inspection under this Act, and the owner or user of an insured
24 boiler shall pay the sum of Five ~~Three~~ Dollars (\$5) ~~(+3+)~~ for
25 each Certificate of Operation issued, and the owner or user of
26 a State inspected boiler shall pay a like sum of Five ~~Three~~
27 Dollars (\$5) ~~(+3+)~~ for each Certificate of Operation issued,

1 which said fee shall be and is absorbed by the internal and
2 external inspection fee authorized in Section 12 of this Act.
3 Every insurance company shall notify the Commissioner in writing
4 of the cancellation or expiration of every policy of insurance
5 issued by it with reference to boilers in this State, within
6 twenty (20) days after the expiration or cancellation of said
7 policy, giving the cause or reason for such cancellation or
8 expiration. Such notice of cancellation or expiration shall show
9 the date of the policy and the date when the cancellation or
10 expiration has or will become effective.

11 "Section 6. The Commissioner is hereby authorized and
12 empowered to promulgate and enforce a code of rules and regulations
13 in keeping with standard usage, for the construction, installation,
14 use, maintenance and operation of ~~[steam]~~ boilers and appurtenances
15 thereof; including the boiler room; and to require such devices
16 and safeguards and other reasonable means and methods to insure
17 safe operation of ~~[steam]~~ boilers, including the registration
18 thereof with the Department ~~[Bureau]~~ of Labor and Standards
19 ~~[Statistics]~~.

20 "The Commissioner may exchange information and experience
21 data with the department or other administrative authorities of
22 States having boiler inspection divisions or departments in
23 assembling data for the promulgation of rules and regulations
24 authorized under the provisions of this Act.

25 "Before any rule, regulation or order is promulgated,
26 adopted, enforced, amended, modified or repealed by the
27 Commissioner a public hearing shall be held by him, and not less

1 than ten (10) days before such hearing notice thereof shall be
2 published in at least three (3) newspapers published and having
3 general circulation in the State of Texas, such newspapers to be
4 selected by the Commissioner. After the adoption of rules,
5 regulations and orders by the Commissioner, a complete copy of
6 same shall be published in at least three (3) newspapers, as in
7 the notice of the hearing prior to their adoption, on two (2)
8 different days not more than ten (10) days apart, and within
9 thirty (30) days after the adoption of such rules, regulations
10 and orders; provided that in lieu of publishing in newspapers the
11 rules, regulations and orders by the Commissioner, as stated
12 above, the Commissioner may publish and circulate said rules,
13 regulations and orders or the repeal, modification or amendment
14 of any such rule, regulation or order in such form or manner as
15 he may determine; and such rules, regulations and orders shall
16 become effective within ten (10) days after date of notice of
17 adoption thereof or final publication, or at such later time as
18 the Commissioner may, in the rules, regulations and orders,
19 determine. The Commissioner is hereby authorized and empowered,
20 in case of extreme emergency, to promulgate and enforce temporary
21 rules, regulations and orders as he may deem necessary, without
22 publishing the same as hereinabove directed; provided, however,
23 that when such temporary rules, regulations or orders are adopted
24 the same shall not be effective for a period of more than twenty
25 (20) days and no criminal prosecution, as hereinafter provided,
26 shall be had until the provisions of Section 16 of this Act have
27 been complied with.

1 "Section 8. ~~The [within-thirty-(30)-days-after-the-passage~~
2 ~~of-this-Act-the]~~ Commissioner shall appoint ~~an [a-suitable-person~~
3 ~~to-be]~~ inspector of [steam] boilers for the State of Texas. The
4 [said] inspector of [steam] boilers shall be a [resident] citizen
5 of Texas ~~who has [for-at-least-five-(5)-years-next-preceding-to~~
6 ~~the-time-of-his-appointment-and-shall-have-had]~~, at the time of
7 his [such] appointment, not less than five (5) years [practical]
8 experience in the construction, installation, inspection,
9 operation, maintenance, or repair of boilers, and has passed a
10 written examination in which he demonstrated his ability [with
11 ~~steam-boilers-as-a-steam-engineer, boilermaker-or-boiler-inspector~~
12 ~~and-by-examination-enable-him]~~ to judge the safety of boilers for
13 use, and who is neither directly nor indirectly interested in the
14 manufacture, ownership or agency of [steam] boilers or their
15 appurtenances. The ~~[it-shall-be-the-duty-of-the]~~ Commissioner
16 shall [to] appoint one (1) or more deputy inspectors as needed
17 with like qualifications of the inspector of [steam] boilers, and
18 such clerical assistants as may be necessary to carry out the
19 provisions of this Act.

20 "Section 9. The salaries and expenses of persons or officers
21 employed or appointed pursuant to the terms of this Act shall be
22 established by the Legislature. [The-salary-of-the-inspector-of
23 ~~steam-boilers-shall-not-exceed-Three-Thousand-Dollars-(63,000)~~
24 ~~per-annum-and-the-salary-of-each-deputy-inspector-shall-not-exceed~~
25 ~~Two-Thousand-Four-Hundred-Dollars-(62,400)-per-annum-and-in~~
26 ~~addition-there-to-all-inspectors-shall-be-allowed-their-actual~~
27 ~~expenses-incurred-in-the-performance-of-their-official-duties,~~

1 ~~and for such equipment as may be deemed necessary by the~~
2 ~~Commissioner. All expenses incident to carrying out the provisions~~
3 ~~of this Act shall be paid out of the funds in the State Treasury~~
4 ~~to the credit of the State Boiler Inspection Fund on vouchers~~
5 ~~or warrants issued and signed by the Commissioner and the~~
6 ~~Comptroller of Public Accounts. The Commissioner may incur such~~
7 ~~expense for clerical assistants and office supplies as may be~~
8 ~~necessary, not exceeding Seven Thousand Five Hundred Dollars~~
9 ~~(\$7,500) annually, said sums to be paid by the State Treasurer~~
10 ~~on warrants drawn by the Comptroller of Public Accounts.]~~

11 "Section 10. The Commissioner may cause the inspection
12 provided for in this Act to be made either by the inspector of
13 boilers or any deputy inspector, or by any qualified boiler
14 inspector employed by ~~[any county, or city and county, or city,~~
15 ~~or]~~ any insurance company, provided that such persons making
16 inspections (other than the inspector of boilers or deputy
17 inspectors regularly employed by the Commissioner) shall first
18 obtain from the Commissioner a commission as inspector showing
19 his qualifications to make such inspections. The Commissioner
20 is vested with full power and authority to determine the
21 qualifications of any applicant or other person seeking a
22 commission as inspector, by examination. At the discretion of
23 the Commissioner he may accept, after proper investigation by
24 him, the commission issued to an inspector by any other state
25 having an examination equal to that of the State of Texas. The
26 Commissioner may rescind at any time, upon good cause being shown
27 therefor, any commission as inspector issued by him to any person,

1 and he may at any time, upon good cause being shown therefor and
2 after notice and opportunity for hearing thereon, revoke any
3 Certificate of Operation issued for any ~~[steam]~~ boiler within
4 this State."

5 "Section 12. (a) The Commissioner shall fix and collect
6 fees, as provided by this Section, for the inspection of ~~[steam]~~
7 boilers, ~~[covered by this Act]~~

8 "(b) For all boilers other than heating boilers the fees
9 are as follows:

10 "(1) boilers with a heating surface of fifty (50) square
11 feet or less: \$5

12 "(2) boilers with a heating surface greater than fifty (50)
13 square feet but not greater than one hundred (100)
14 square feet: \$10

15 "(3) boilers with a heating surface greater than
16 one hundred (100) square feet but not greater than five hundred
17 (500) square feet: \$15

18 "(4) boilers with a heating surface greater than five
19 hundred (500) square feet but not greater than one thousand five
20 hundred (1500) square feet: \$20

21 "(5) boilers with a heating surface greater than one
22 thousand five hundred (1500) square feet: \$25

23 "(c) For heating boilers, the fees are as follows:

24 "(1) boilers without a manhole: \$10

25 "(2) boilers with a manhole: \$15

26 "(d) When [which exceed thirty (30) inches in diameter,
27 external and internal inspection not to exceed Fifteen Dollars

1 ~~(645) in each twelve month period, and for boilers exceeding~~
2 ~~twenty-four (24) inches in diameter and not exceeding thirty (30)~~
3 ~~inches in diameter, Ten Dollars (640) for each complete inspection~~
4 ~~in each twelve month period, and boilers not exceeding twenty-four~~
5 ~~(24) inches in diameter, Five Dollars (65) for each complete~~
6 ~~inspection in each twelve month period,--Provided that, when] a~~
7 boiler is found unfit for further use no Certificate of Inspection
8 shall be issued and the use of such condemned boiler shall [may]
9 be prohibited. Provided [further] that the Commissioner or any
10 of his employees shall not have authority to prescribe the make,
11 brand or kind of boilers to buy or purchase. [~~And provided that~~
12 ~~when any inspector or employee of the Commissioner tears down a~~
13 ~~boiler in a cleaning and pressing establishment said inspector~~
14 ~~or employee shall assist the owner to repair and assemble said~~
15 ~~boiler as it was before it was dismantled, and if he fails to~~
16 ~~assist said owner said fee shall not be paid,] Such fees must~~
17 be paid by the owner or user before the issuance of a Certificate
18 of Operation for the boiler inspected. [~~No fees shall be charged~~
19 ~~the owner or user by the Commissioner when the inspection herein~~
20 ~~provided for has been made by an inspector holding a commission~~
21 ~~as inspector from said Commissioner if the holder of such~~
22 ~~commission as inspector is employed by any county or city and~~
23 ~~county or city or insurance company except the charge fixed for~~
24 ~~Certificate of Operation in Section 5 hereof.] Except as provided
25 by Section 12a of this Act, all [At] fees collected by the
26 Commissioner under this Act shall be paid into the State Treasury
27 to the credit of the General Revenue Fund."~~

1 Sec. 4. Chapter 436, Acts of the 45th Legislature, Regular
2 Session, 1937, as amended (Article 5221c, Vernon's Texas Civil
3 Statutes), is amended by adding Section 12a, to read as follows:

4 "Section 12a. (a) The fee for a special inspection is One
5 Hundred Dollars (\$100) per day or part of a day required for the
6 inspection, plus the current state travel fee and per diem.

7 "(b) Fees collected pursuant to Subsection (a) of this
8 section are deposited by the Commissioner in a bank and shall be
9 used exclusively for the purpose of training and educating the
10 staff and inspectors employed by the boiler inspection division."

11 Sec. 5. Sections 13, 14, and 17, Chapter 436, Acts of the
12 45th Legislature, Regular Session, 1937, as amended (Article
13 5221c, Vernon's Texas Civil Statutes), are amended to read as
14 follows:

15 "Section 13. Any person, firm, corporation, or agent
16 thereof, owning or having the custody, management, use or operation
17 of any [steam] boiler in this State, who shall violate any
18 provision of this Act, or who violates any rule, regulation or
19 order promulgated by authority hereof by the Commissioner or any
20 regularly employed inspector authorized to enforce any provision
21 or any rule, regulation or order authorized herein, or any person,
22 firm, corporation, or agent thereof coming within any provision
23 of this Act, or any rule, regulation or order authorized herein,
24 who shall fail or refuse to comply therewith, shall be deemed
25 guilty of a misdemeanor and upon conviction therefor shall be
26 subject to a fine of not less than Fifty Dollars (\$50) nor more
27 than Two Hundred Dollars (\$200), or by imprisonment in the county

1 jail not to exceed sixty (60) days, or by both such fine and
2 imprisonment.

3 "Section 14. Any owner, manager, superintendent or other
4 person in charge or in control of any factory, mill, workshop,
5 mine, store, business house, public or private work, or the lessee
6 or operator of same, or the owner or lessee of any mineral estate
7 in land, or any other place where a ~~[steam]~~ boiler subject to
8 inspection hereunder is located, who shall refuse to allow any
9 official or employee of the ~~Department~~ ~~[Bureau]~~ of Labor and
10 ~~Standards~~ ~~[Statistics]~~ to enter the same and remain thereon or
11 therein for such time as is reasonably necessary, or who shall
12 hinder any such official or employee in any way, or who shall in
13 any way prevent or deter him from carrying out the provisions of
14 this Act, shall be deemed guilty of a misdemeanor and upon
15 conviction shall be fined not to exceed One Hundred Dollars (\$100)
16 or by imprisonment in the county jail not to exceed sixty (60)
17 days, or by both such fine and imprisonment."

18 "Section 17. Except as provided by Section 12a of this Act
19 ~~the~~ ~~[the]~~ funds collected under the provisions of this Act shall
20 be paid into the State Treasury to the credit of the General
21 Revenue Fund."

22 Sec. 6. The importance of this legislation and the crowded
23 condition of the calendars in both houses create an emergency and
24 an imperative public necessity that the constitutional rule
25 requiring bills to be read on three several days in each house
26 be suspended, and this rule is hereby suspended, and that this
27 Act take effect and be in force from and after its passage, and

1 it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

February 14, 1975

Honorable William T. Moore, Chairman
Committee on State Affairs
Senate Chamber
State Capitol
Austin, Texas 78701

In Re: Senate Bill No. 178
By: Harrington

Sir:

In response to your request and pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Senate Bill No. 178 by Harrington (relating to the regulation and inspection of boilers) to be as follows:

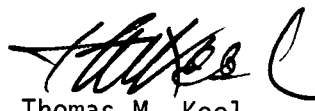
1. The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	
1976	\$8,750
1977	8,750
1978	8,750
1979	8,750
1980	8,750

2. The probable revenues resulting from implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	
1976	\$129,988
1977	132,218
1978	136,994
1979	142,104
1980	147,572

3. Similar annual costs and revenues will continue as long as the provisions of the bill are in effect.


Thomas M. Keel
Director

20 Fiscal Notes
Copies.

State Affairs - 223-2150

L. Reed

An Act relating to the regulation and inspection of boilers; amending Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes) by amending Sections 1, 2, 3, 3a, 4, 4a, 5, 6, 8, 9, 10, 12, 13, 14, and 17, and by adding Sections 2a and 12a; and declaring an emergency.

Filed with the Secretary of the Senate

JAN 30 1975

Read, referred to Committee on STATE AFFAIRS

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by
{ unanimous consent.
_____ yeas, _____ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

Read second time and { ordered engrossed.
passed to third reading.

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas, _____ nays to place bill on third reading and final passage.

Read third time and passed by { a viva-voce vote.
_____ yeas, _____ nays.

OTHER ACTION:

Secretary of the Senate

Engrossed

Sent to HOUSE

ENGROSSING CLERK